

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5598
John Swallow for Congress, Inc. and Stanley)
R. de Waal, in his official capacity as)
treasurer; Utah Republican Party (Federal)
Account) and Mike McCauley, in his official)
capacity as treasurer; National Republican)
Congressional Committee and Keith A. Davis,)
in his official capacity as treasurer; Joseph A.)
Cannon; John Swallow)

CERTIFICATION

I, Darlene Harris, recording secretary of the Federal Election Commission executive session, do hereby certify that on February 11, 2009, the Commission took the following actions in the above-captioned matter:

1. Decided by a vote of 4-1 to:

Dismiss MUR 5598 on the basis of prosecutorial discretion as outlined in Heckler v. Chaney, 470 U.S. 821 (1985).

Commissioners Bauerly, Hunter, Petersen, and Weintraub voted affirmatively for the decision. Commissioner Walther dissented. Commissioner McGahn II recused himself with respect to this matter and did not vote.

2. Decided by a vote of 5-0 to:

Close the file in MUR 5598 and send the appropriate letters.

Commissioners Bauerly, Hunter, Petersen, Walther and Weintraub voted affirmatively for the decision. Commissioner McGahn II recused himself with respect to this matter and did not vote.

February 11, 2009
Date

Attest:

Darlene Harris
Darlene Harris
Deputy Secretary of the Commission

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